



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER
Executive Director

JERRY D. OLDS
State Engineer/Division Director

March 9, 2005

Jim and Eileen Craw
Po Box 38
Minersville UT 84752-0038

Re: January 11, 2005 Order to Cease & Desist
No. SEAA 1055
Water Right Nos. 71-1766, 71-4102, 71-1668, t29460

Dear Mr. & Mrs. Craw:

Thank you for your letter of January 20, 2005. After reviewing your letter and reviewing our data, we conclude that we agree in part with the information you provided.

We agree that the two rectangular parcels are 34 acres each not 40 acres as described in our January 20th Order. This reduces the amount of irrigation described in the Order by 12 acres.

The road that goes between the center pivot and the rectangular parcels was not included in our determination of your irrigated land. However, the road through the middle of the area irrigated by the center pivot must be considered as irrigated acreage because it cannot avoid being irrigated by the pivot. Our method of measuring the irrigated acreage under your center pivot might have an error of 4%. If we allow for that possible error it reduces the amount of over irrigation by another 5 acres.

After these revisions, we determine that the amount of land you irrigated during 2004 is 157.10 acres (174.10 acres- 17 acres). The total amount of land allowed to be irrigated during 2004 under the water rights listed above is 128 acres.

Unfortunately, we cannot give you credit for water rights that were intended to be transferred to you for use last year but were not. Our determinations must be based on water right changes that were actually approved by our office.

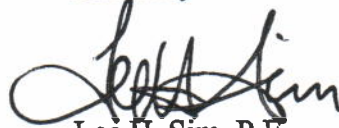
Therefore, we conclude that during 2004 you irrigated 29.1 acres (157.10 – 128) more than allowed by your water rights.

You must reduce your irrigated acres during 2005 by 29.1 acres unless you acquire additional water rights. Any water right change applications should be approved by the Division of Water Rights before you start to irrigate.

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If you have any questions concerning this letter, please contact me by phone at (801)538-7380 or by e-mail at LeeSim@utah.gov.

Sincerely

A handwritten signature in black ink, appearing to read "Lee H. Sim". The signature is fluid and cursive, with the first name "Lee" being more prominent.

Lee H. Sim, P.E.
Assistant State Engineer

cc: Kerry Carpenter, Regional Engineer
Lavar Davis, Water Commissioner